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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ABHINAV BHATNAGAR,

Plaintiff,

vs.

JASON INGRASSIA, individually and in
his official capacity; COUNTY OF
CONTRA COSTA; and CITY OF
SAN RAMON.

Defendants.

Case No.: Case No. CV-07-02669 (CRB)

**DECLARATION OF JENNY HUANG
IN SUPPORT OF PLAINTIFF'S MOTION
TO COMPEL RESPONSES TO 1ST SET
OF DISCOVERY REQUESTS ON
DEFENDANT INGRASSIA**

Date: August 22, 2008

Time: 10:00 am

Honorable Charles R. Breyer

I, JENNY HUANG, state under penalty of perjury as follows:

1. I am counsel for Plaintiff Abhinav Bhatnagar in the above-referenced action. I submit this declaration in support of Mr. Bhatnagar's motion to compel responses to Plaintiff's 1st Set of discovery requests on Defendant Ingrassia.

1 2. On May 13, 2008, I served Plaintiff's 1st Set of Interrogatories and Document
2 Requests on Defendant Ingrassia, which requested basic discovery such as the officer's training,
3 job experience, and policies governing his conduct. These requests also sought discovery on
4 matters underlying this lawsuit, including the officer's disciplinary record, documents relating to
5 Mr. Bhatnagar's arrest, the officer's phone records, and other complaints of misconduct against
6 the officer. Responses to Plaintiff's 1st Set of discovery requests were due on June 12, 2008.

8 3. On May 14, 2008, I served Plaintiff's 1st Set of Amended Document Requests on
9 Defendant Ingrassia.

11 4. On June 3, 2008, Defendant Ingrassia requested, and Plaintiff agreed, to extend
12 the deadline for responses to Plaintiff's 1st Set of Discovery Requests until June 30, 2008.

13 5. On July 1, 2008, Plaintiff received responses from Defendant Ingrassia Plaintiff's
14 1st Set of Interrogatories and Amended Document Requests on Defendant Ingrassia. In response
15 to Plaintiff's 1st Set of Interrogatories, Defendant Ingrassia refused to answer most of the
16 interrogatories by asserting boilerplate objections, citing privileges based on state law, and
17 claiming ambiguity in basic words such as "crime," "present," "discussed," "sworn testimony,"
18 "complained about you," "concerning your conduct," "disciplined," "arrested," and "convicted."
19 In response to Plaintiff's 1st Set of Amended Document Requests, Defendant Ingrassia did not
20 produce any documents.
21

23 6. On July 5, 2008, my co-counsel, Jivaka Candappa, faxed and mailed a letter to
24 James Fitzgerald, counsel for Defendant Ingrassia, in an effort to meet and confer about the
25 officer's responses to Plaintiff's 1st Set of discovery requests. Attached as Exhibit A is a true and
26 accurate copy of Mr. Candappa's letter, dated 7/5/08.
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1 7. On July 11, 2008, Noah Blechman, counsel for Defendant Ingrassia, responded to
2 Mr. Candappa's meet and confer letter. In his letter, Mr. Blechman stood by the objections
3 asserted, refused to supplement any responses, and again, did not produce any responsive
4 documents. Attached as Exhibit B is a true and accurate copy of Mr. Blechman's letter, dated
5 7/11/08.
6

7 8. On July 14, 2008, Mr. Candappa faxed and mailed a letter in response to Mr.
8 Blechman's letter dated 7/11/08. In that letter, Mr. Candappa again attempted to resolve the
9 disputed issues without the court's involvement. Attached as Exhibit C is a true and accurate
10 copy of Mr. Candappa's letter, dated 7/14/08.
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12 9. To date, counsel for Defendant Ingrassia have not responded to Mr. Candappa's
13 letter dated 7/14/08.

14 10. On July 17, 2008, I sent an e-mail to counsel for Defendants inquiring whether
15 they would be agreeable to Plaintiff's filing his motion to compel on an expedited basis. That
16 same day, Mr. Blechman advised by e-mail that he would not agree to Plaintiff's filing the
17 motion to compel on an expedited basis. Similarly, on July 18, 2008, Assistant County Counsel
18 Gregory Harvey also advised that he would not agree to Plaintiff's filing the motion to compel
19 on an expedited basis.
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21 11. In response to discovery requests on the municipal defendants, Mr. Harvey and I
22 are meeting and conferring about various discovery issues. By letter dated June 16, 2008, Mr.
23 Harvey acknowledged that many of the same state law privileges asserted by Defendant
24 Ingrassia are not applicable in federal court cases.
25

26 12. Also, by letter dated July 1, 2008, Mr. Harvey acknowledged that discovery of
27 Defendant Ingrassia's phone numbers is relevant to Mr. Bhatnagar's claims of harassment from
28

1 the officer by phone. On this basis, Mr. Harvey stated that he had no objections to releasing this
2 information, upon the approval of Mr. Fitzgerald.

3 13. On July 21, 2008, Judge Breyer signed the Stipulated Protective Order that was
4 agreed upon and signed by all parties to this litigation. (Stipulated Protective Order (Docket No.
5 91).)

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7 14. Once the Stipulated Protective Order was executed, Defendant Contra Costa
8 County supplemented its prior disclosures with discovery to which the County previously
9 objected, such as the officer's personnel records and internal affairs investigation records.

10
11 15. Since the Stipulated Protective Order was executed, Plaintiff has not received any
12 supplemental disclosures from Defendant Ingrassia.

13 16. To date, Defendant Ingrassia has not produced a single document in response to
14 Plaintiff's 1st Set of Document Requests. For this reason, Mr. Bhatnagar's ability to effectively
15 depose Defendant Ingrassia has been further delayed by the officer.

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17 I declare under penalty of perjury that the foregoing is true and correct. Executed on July
18 26, 2008 in Oakland, California.

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20 _____
21 /s/ Jenny Huang

22 JENNY HUANG
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